

May 27, 2005

**VIA ELECTRONIC FILING**

Hon. David E. Peebles  
U.S. Magistrate Judge  
Federal Building, U.S. Courthouse  
P.O. Box 7345  
Syracuse, New York 13261-7345

Re: Asbestos Workers Syracuse Pension Fund v.  
Delores A. Wells  
Civil Action No. 04-CV-0825 (GLS/DEP)

Dear Judge Peebles:

The above-referenced case has been held in abeyance pending the outcome of a bankruptcy case initiated by Defendant.

A review of the Court's pacer system shows that Defendant's bankruptcy case was closed December 21, 2004. Because Plaintiff's claim was discharged in this bankruptcy case, we respectfully request this Court dismiss our action against Defendant accordingly.

Thank you for your time and consideration on this matter.

Respectfully submitted,

**BLITMAN & KING LLP**

Daniel R. Brice

*[Signature]*  
David E. Peebles  
U.S. Magistrate Judge

DRB:tag

cc: Christopher J. Chadick, Esq.

Dated: 5/31/05  
Syracuse, New York

Donna Maggiolino, Administrative Manager  
Asbestos Workers Syracuse Benefit Funds  
Plaintiff's request for  
voluntary dismissal of this  
action pursuant to Fed. R. Civ.  
P. Rule 41(a)(1)(i) is  
GRANTED.